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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,207	12/22/2000	Gary Lee Diven	PU000168	1078

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EXAMINER	
KEANEY, ELIZABETH MARIE	
ART UNIT	PAPER NUMBER
2882	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,207

Applicant(s)

DIVEN ET AL.

Examiner

Elizabeth Keaney

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☒ Claim(s) 1,3-9 and 11-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of the Request for Continued Examination filed 23 March 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashiba et al (US Patent 4,780,641; hereinafter Hashiba) in view of Ito et al. (US Patent 5,672,935; hereinafter Ito).

Hashiba discloses, in figure 3 and throughout the disclosure, an apparatus for retaining a damper wire proximate a grill type mask assembly in a cathode ray tube comprising:

- a mask assembly having a frame (13) and a mask (3);
- a damper spring (21) comprising a first end having a curvature and an opposing second end, wherein the second end is coupled to the frame, the curvature having an apex facing away from and aligned with an edge of the mask for adjustably defining an elevation level of the damper wire with respect to the mask (column 2, lines 27-28).

The examiner has defined the apex of the curvature of the damper spring to be, as shown in figures 3 and 4, the point of damper spring (21) which is curved furthest from the vertical 90 degree position. This apex is indeed facing away from the mask.

However, Hashiba fails to disclose the first metallic layer being materially different from the second metallic layer.

Ito discloses a first metallic layer being of a high expansion coefficient metal and a second metallic layer being of a low expansion coefficient metal, which are therefore materially different and form a bimetal device.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the damper spring disclosed by Hashiba with that of Ito because by using two materially different metallic layers to form a bimetal damper spring, the spring is able to have a temperature correction mechanism (column 1, lines 34+). By having a temperature correction mechanism, the spring is able to be pliable when the temperature rises in the cathode ray tube yet be ridged enough to keep the damper wire taut in order to prevent damage to the cathode ray tube from a vibration of the mask.

Response to Arguments

Applicant's arguments filed 23 March 2004 have been fully considered but they are not persuasive. The Applicant argues on page 8, lines 8-11, that claim 10 recites the same subject matter as claim 1 except for specifying that the first end of the spring has

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an apex. The Examiner respectfully disagrees. Claim 10 does not include the allowable subject matter contained in claim 1.

Allowable Subject Matter

Claims 1,3-9 and 11-15 are allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter:

Re claims 1 and 3-9: The best prior art of record discloses an apparatus for retaining a damper wire on a grill type mask assembly in a cathode ray tube comprising: a grill type mask assembly including a mask and a frame, a bimetal damper spring and a tab formed on the damper spring. However, the prior art fails to teach or fairly suggest an apparatus for retaining a damper wire on a grill type mask assembly in a cathode ray tube comprising: a grill type mask assembly including a mask and a frame, a bimetal damper spring and a tab affixed to the damper spring as claimed in claim 1.

Claims 3-9 are allowable by virtue of their dependency.

Claims 11-15 are allowable for the reasons set forth in prior office actions.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Keaney whose telephone number is (571)272-2489. The examiner can normally be reached on Monday-Thursday 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571)272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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DAVID V. BRUCE
PRIMARY EXAMINER